

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN MOORE,

Plaintiff,

v.

ANTHONY J. ANNUCCI, *et al.*

Defendants.

No. 16-CV-4773 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

For the reasons explained on the record at Oral Argument on July 31, 2019, Plaintiff's Motion for Summary Judgment, (Dkt. No. 124), is granted as to Defendants Todd-Scott and Morris. Because collateral estoppel applies as to the issues whether Defendants Todd-Scott and Morris intentionally assaulted and injured Plaintiff, conspired to cover up the assault, and thereafter did so, Defendants Todd-Scott and Morris are precluded from litigating any affirmative defense or counterclaim that necessarily relates to those issues.

The Court reserves judgment as to Defendant Santiago.

Plaintiff is directed to file a Notice, pursuant to Local Civil Rule 56.2, to Defendant Santiago, who is a pro se litigant, and to mail to Defendant Santiago a copy of that Notice. Although Plaintiff has filed an affidavit representing that he mailed to Defendant Santiago a copy of his Motion for Summary Judgment and accompanying documents, (Dkt. No. 128), Plaintiff is directed to mail to Defendant Santiago an additional copy of these documents, (Dkt. Nos. 124, 125, 126, 127).

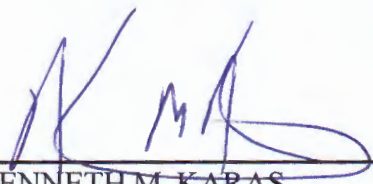
Defendant Santiago shall have 30 days thereafter to file opposition papers to Plaintiff's Motion for Summary Judgment.

The Clerk of Court is respectfully directed to terminate the pending Motion. (Dkt. No. 124.)

The Clerk is respectfully directed to mail a copy of this Order to Defendant Santiago.

SO ORDERED.

DATED: July 31, 2019
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE